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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,770	11/21/2001	Melody Vos	5253-04200	1825

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HOUSTON, TX 77070

EXAMINER

RONES, CHARLES

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 07/12/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,770

Applicant(s)

VOS ET AL.

Examiner

Charles L. Rones

Art Unit

2175

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Amendment

The amendment timely filed on April 5, 2004 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Leung et al. U.S. Patent No. 6,282,570 ('Leung').

Leung discloses:

As to claims 1, 16, and 31,

determining actions to be performed on one or more database objects to modify the one or more database objects, wherein a database comprises the one or more database objects; performing the actions on the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-65; 10:22-54;

monitoring results of the performing the actions on the database objects; and reconfiguring one or more policies or definitions associated with the database based on the monitoring the results of the performing the actions on the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 2, 17, and 32,

automatically determining a schedule for performing the actions on the database objects, wherein the performing the actions on the database objects comprises performing the actions on the database objects based on the schedule; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 3, 18, and 33,

wherein the performing the actions on the database objects based on the schedule comprises automatically performing the actions on the database objects based on the schedule; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 4, 19, and 34,

confirming the performing the actions on the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 5, 20, and 35,

collecting statistics relating to operation of a database; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54; and

determining characteristics of the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 6, 21, and 36,

wherein the determining the characteristics of the database objects comprises automatically determining the characteristics of the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 7, 22, and 37,

wherein the determining the actions to be performed on the database objects comprises determining the actions to be performed on the database objects based on the characteristics of the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 8, 23, and 38,

wherein the determining the actions to be performed on the database objects based on the characteristics of the database objects comprises automatically determining the actions to be performed on the database objects based on the characteristics of the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 9, 24, and 39,

wherein the statistics comprise object-level statistics; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 10, 25, and 40,

wherein the statistics comprise activity-level statistics; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 11, 26, and 41,

wherein the determining the characteristics of the database objects comprises determining the characteristics of the database objects using the collected statistics;
See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 12, 27, and 42,

wherein the determining the characteristics of the database objects comprises determining the characteristics of the database objects using the one or more policies;
See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 13, 28, and 43,

wherein the determining the characteristics of the database objects comprises determining the characteristics of the database objects using the one or more definitions; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 14, 29, and 44,

customizing the one or more definitions; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 15, 30, and 45,

customizing the one or more policies; See Abstract; 4:1-25; 5:21-55; 8:41-55;
10:22-54.

Response to Arguments

Applicant's arguments filed April 5, 2004 have been fully considered but they are not persuasive.

Applicant argues that Leung does not teach specific automated sequence of actions such as monitoring results of the performing the actions on the database objects; an reconfiguring one or more policies or definitions associated with the database based on the monitoring the results of the performing the actions on the database objects.

In response, Examiner maintains that Leung teaches such wherein data is collected on database nodes and resource constraints are changed based on database activity are deemed to provide Applicant's limitations.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Rones whose telephone number is 703-306-3030. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles L. Rones
Primary Examiner
Art Unit 2175

June 30, 2004